

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Robert Clark, as Personal Representative for the) C/A No. 2:19-cv-00330-DCN-TER
Estate of Robert Clark, Jr.,)

Plaintiff,

Versus

The Berkeley County Sheriff's Office, and James Vansant, in his individual capacity, and John Peters, in his individual capacity,

Defendants.

C/A No. 2:19-cv-00330-DCN-TER

**DEFENDANT THE BERKELEY COUNTY
SHERIFF'S OFFICE'S RULE 26(A)(2)
DISCLOSURE OF EXPERT WITNESSES**

TO: W. MULLINS MCLEOD, JR., COLIN V. RAM, AND DAVID F. AYLOR,
ATTORNEYS FOR THE PLAINTIFF:

Pursuant to Rule 26 (a)(2) of the Federal Rules of Civil Procedure, the Defendant, The Berkeley County Sheriff's Office, (hereafter, "this Defendant"), by its undersigned attorneys, propound the following disclosures to the Plaintiff:

(A) In addition to the disclosures required by Rule 26(a)(1), a party must disclose to the other parties the identity of any witness it may use at trial to present evidence under Federal Rule of Evidence 702, 703, or 705.

ANSWER: This Defendant reserves the right to call as an expert witness any experts identified by Plaintiff and any witnesses identified throughout the course of discovery including:

- 1. Any law enforcement personnel disclosed as fact witnesses including:**
 - a. Defendant James Vansant**
 - b. Defendant John Peters**
 - c. Deputy Tyler Clark**
 - d. Inspector Dan Isgett**

- e. **Captain Michael Crumley**
- f. **Chief Deputy Jeremy Baker**
- 2. **Individuals disclosed by Plaintiff as experts, including:**
 - a. **Geoffrey P. Alpert**
Department of Criminology and Criminal Justice
1305 Greene Street
University of South Carolina
Columbia, SC 29208
 - b. **Woodrow M. Poplin, MSE, PR**
W. Poplin Engineering, LLC
PO Box 210
Wadmalaw Island, South Carolina 29487
 - c. **William E. Nash, J.D.**
Nash Forensic
434 E. Haley St., Unit A
Santa Barbara, California 93101
 - d. **Lee Marie Tormos, M.D.**
Medical University of South Carolina
165 Ashley Ave., Suite 309
Charleston, SC 29425-9060

This Defendant joins in with the other Defendants in identifying the following experts: Demi Garvin, B.S., Pharm. D., F-ABFT. Further responding, this Defendant identifies the following expert witnesses:

- 3. **Brian Batterton**
4400 Lower Roswell Road
Marietta, GA 30068

Brian Batterton is an expert in the field of law enforcement policies and practices, including police pursuits. Pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, a copy of Major Batterton's report will be served upon counsel for Plaintiff. Major Batterton will testify in accordance with the report and his deposition testimony, if any, given in the present case.

- 4. **Bryan C. Miller**
Engineering Experts Inc.
3 Gamecock Avenue, Suite 301
Charleston, SC 29407

Bryan Miller is an Accident Reconstructionist at Engineering Experts, Inc. and a former South Carolina Highway Patrolman, with expertise in both accident reconstruction and law enforcement. Pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, a copy of Bryan Miller's report will be served upon counsel for Plaintiff. Bryan Miller will testify in accordance with the report and his deposition testimony, if any, given in the present case.

- 5. Nathan Rose
Luminous Forensics
9250 E. Costilla Avenue,
Suite 130
Greenwood Village, CO 80112**

Nathan Rose is the Principal Accident Reconstructionist at Luminous Forensics, with extensive expertise in motorcycle accident reconstruction. Pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, a copy of Nathan Rose's report will be served upon counsel for Plaintiff. Nathan Rose will testify in accordance with the report and his deposition testimony, if any, given in the present case.

This Defendant reserves the right to retain additional expert witnesses or supplement this response as the need may arise during the course of discovery.

(B) Unless otherwise stipulated or ordered by the court, this disclosure must be accompanied by a written report—prepared and signed by the witness—if the witness is one retained or specially employed to provide expert testimony in the case or one whose duties as the party's employee regularly involve giving expert testimony. The report must contain:

- (i) a complete statement of all opinions the witness will express and the basis and reasons for them;
- (ii) the facts or data considered by the witness in forming them;
- (iii) any exhibits that will be used to summarize or support them;
- (iv) the witness's qualifications, including a list of all publications authored in the previous 10 years;
- (v) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and
- (vi) a statement of the compensation to be paid for the study and testimony in the case.

ANSWER: This Defendant certifies that they have served the Plaintiff with written reports signed by the above-named experts and disclosed the information required by Federal Rules of Civil Procedure 26(a)(2)(B). This Defendant specifically reserves the right to supplement their Answers to these Interrogatories as the need may arise during the course of discovery.

HOOD LAW FIRM, LLC
172 Meeting Street / Post Office Box 1508
Charleston, SC 29402
Ph: (843) 577-4435 / Fax: (843) 722-1630
Email: Info@hoodlaw.com

s/ Ellore A. Ganes

Ellore A. Ganes (9022)

Alyssa L. Agostino (12960)

*Attorneys for the Defendant
The Berkeley County Sheriff's Office*

May 22, 2020

Charleston, South Carolina